

Serial No. 09/784,159
Docket No. FJ-2000-041 US

REMARKS

Attached hereto are a Petition and fee for a time extension and a Petition and fee for one excess independent claim and one excess total claim.

Claims 1-45 are all the claims presently pending in the application. New claim 45 has been added. Claims 1, 8, and 10 have been amended to more particularly define the invention to address the Examiner's objections. Other claims have been amended in accordance with local practice.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicants gratefully acknowledge that claims 5-7, 16, 21-23, 28, 32-35, and 44 would be allowable if rewritten in independent form. However, Applicants respectfully submit that all of the claims are allowable over the prior art currently of record, as explained below.

The Examiner objects to claims 1, 8, 10, 17, 24, 29, and 36. Applicants submit that the above claim amendments, along with the explanation and comments herein of the present invention, provide the clarification requested by the Examiner and respectfully request that the Examiner reconsider and withdraw these objections.

Claims 1-4, 8-14, 17-20, 24-27, 29-32, and 36-42 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Tomat, et al. (U.S. Patent No. 6,784,925). Claims 15 and

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43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomat, et al.

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention, as exemplarily defined in, for example, independent claim 1, is directed to an image information obtaining method in which an image information receiving end can select a desired image file according to information about directories presented by an image information transmitting end and receives an image of the selected image file.

The method includes, at the image information transmitting end, classifying a plurality of images recorded in a recording medium under parameters that represent properties of the plurality of images. Directories are produced, at the image transmitting end, into which to register image files or file names of the classified images in each parameter. File names are registered as required for each image.

In the image information receiving end, a display is provided of at least a portion of a hierarchical tree structure in accordance with the directories, from which can be selected a desired image file of a desired parameter according to the information about the directories produced by the image information transmitting end. An image of the selected desired image file of the desired parameter is received from the image information transmitting end.

Conventional methods do not have the feature of the present invention in which a directory system is set up at the transmitting end (e.g., in the camera). Rather, the directory structure, if any, results in a peripheral device such as a computer upon which is executing an image process application program such as a photo processing application

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program.

In contrast, the present invention teaches a method in which the camera itself (e.g., the transmitting end apparatus) has the capability of generating the directory structure. There are several advantages of this novel approach, including the ability to select which of the images are to be selectively received, based, for example, on selecting files having only a specific property (e.g., shooting conditions, etc., in an exemplary non-limiting example).

Another advantage is that the receiving end can be a cellular telephone as modified to interact with the transmitting end. The cellular phone can then forward the image to a printer or Internet server.

That is, one important motivation behind the present invention has been that the virtual directory information comprises smaller amount of data, which then can be conveniently transferred and browsed in the cellular phone. The advantage of this is that the transfer of such virtual directory information from the camera ("image information transmitting end") to the phone ("image information receiving end") is faster and consumes less memory especially in the receiving side than transferring/browsing the complete original images.

After selection by the user, the real size image(s) can be pulled to the cellular phone, as necessary. Preferably, the camera also produces thumbnail images and puts this information available to the virtual directories (e.g., see claim 3).

The prior art fails to provide this capability and, indeed, fails to even recognize this problem, let alone provide the unique solution of the present invention.

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II. THE PRIOR ART REJECTIONS

The Examiner alleges that Tomat teaches the claimed invention as defined by claims 1-4, 8-14, 17-20, 24-27, 29-32, and 36-42 and renders obvious the invention defined by claims 15 and 43. Applicants respectfully disagree and submit that there are elements of the claimed invention which are neither taught nor suggested by Tomat.

More specifically, the Examiner considers that the description of the independent claims are satisfied in Tomat by pointing to Figure 1 thereof, wherein is shown a camera 14 and computer system 1 which is executing the photo processing application described in Tomat. The Examiner considers that the canisters 208 used in Tomat qualify as directories.

Applicants traverse this characterization of Tomat by submitting that the prior art evaluation is constrained by the plain meaning of the claim language, as would be acceptable to one of ordinary skill in the art. Therefore, Applicants submit that one of ordinary skill in the art would not consider the canister format described at lines 17-43 of column 11 as being directories, as this term is understood in the art. The term “directory” implies hierarchical structure having a path back to a route.

The canister format of Tomat lacks this hierarchical structure until the images are received in the computer system 1 and processed by the photo processing application program. That is, at most, the canister format in the camera 14 itself is merely a data structure in which the images are recorded. Applicants submit that, to one of ordinary skill in the art, a “data structure” is an entirely different concept from a “directory.” Thus, even if Tomat can be said to have a “directory” structure for the images, this structure is not generated in the camera 14 (e.g., corresponding exemplarily to the “information transmitting end” terminology of the independent claims).

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In contrast, as clearly shown in the exemplary camera 10 of Figure 3, the present invention teaches that the information processing device 44 of the image information transmitting end generates the directory structure, as clearly described at lines 16-21 of page 16 and at lines 18-24 of page 20 of the Application.

Hence, turning to the clear language of the claims, in Tomat there is no teaching or suggestion of: "... the image information transmitting end: classifying a plurality of images recorded in a recording medium under parameters that represent properties of the plurality of images; producing directories in which to register image files or file names of the classified images in each parameter; and registering file names as required for each image; and the image information receiving end: providing a display of at least a portion of a hierarchical tree structure in accordance with said directories, from which can be selected a desired image file of a desired parameter according to the information about the directories produced by said image processing end; and receiving an image of the selected desired image file of the desired parameter from the image information transmitting end....", as required by independent claim 1. Independent claims 8, 17, 24, 29, and 36 have similar language.

Therefore, Applicants submit that there are elements of the claimed invention that are not taught or suggest by Tomat, and the Examiner is respectfully requested to withdraw this rejection.

III. FORMAL MATTERS AND CONCLUSION

Minor errors have been corrected in the disclosure, as requested by the Examiner.

In view of the foregoing, Applicants submit that claims 1-45, all the claims presently pending in the application, are patentably distinct over the prior art of record

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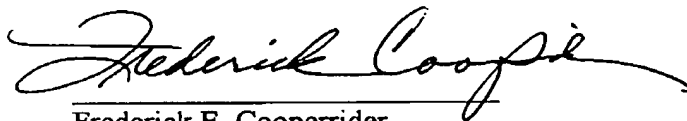
and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

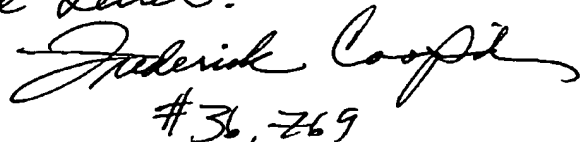
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I certify that I transmitted via facsimile to (703) 872-9306 this Amendment Under 37CFR 1.111 to Examiner Misdah on April 18, 2005, along with a Petition and fee for Extension of Time and an Excess Claims Fee Letter.


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